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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KATO =18

In re Application of:

Ikunoshin KATO et al

Appln. No.: 09/937,375

Filed: September 24, 2001

For: GENE THERAPEUTICS

ATTY.'S DOCKET: KATO =18

Art Unit: 1642

Washington, D.C.

August 4, 2003

Confirmation No.: 8012

INFORMATION DISCLOSURE STATEMENT [IDS]

RECEIVED

Honorable Commissioner of Patents and Trademarks P.O. Box 1450 Alexandria, VA 22313-1450

AUG 0 5 2003

TECH CENTER 1600/2900

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR S\$1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

- [X] 1. This IDS should be considered, in accordance with 37 CFR \$1.97, as it is filed before the mailing date of a first office action on the merits.
- [X] 2. In accordance with 37 CFR \$1.98, this IDS includes a list (e.g., form PTO/SB/08A) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached.

In re Appln. No. 09/937,375

[X] 3. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20). However, a concise explanation of relevance is being provided in the form of the attached <u>Supplementary Partial European Search Report</u>.

4. In accordance with 37 CFR §\$1.97(g) and (h), the filing of this IDS should not be construed representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in different.

Respectfully submitted,

BROWDY AND NEIMARK Attorneys for Applicant(s)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

of

RE IT	Application Number	09/937,375			
	Filing Date	September 24, 2001			
	First Named Inventor	Ikunoshin KATO et al			
	Group Art Unit	1642			
	Examiner Name				
	Attorney Docket Number	KATO =18			

Complete if Known

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published					
	AN	HARRINGTON et al, "Cells as Vehicles for Cancer Gene Therapy: The Missing Link Between Targeted Vectors and Systemic Delivery?", HUMAN GENE THERAPY, Vol. 13, 2002, pp. 1263-1280.					
	AO	NAMBA et al, "Bystander Effect-Mediated Therapy of Experimental Brain Tumor by Genetically Engineered Fumor Cells" HUMAN GENE THERAPY, Vol. 9, 1998, pp. 5-11.					
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i		AUG 0 5 2003 TECH CENTER 1600/	290 0				
Examir Signat		Date Considered					

^{*} EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



SUPPLEMENTARY PARTIAL EUROPEAN SEARCH REPORT

Application Number

which under Rule 45 of the European Patent ConventionEP 00 90 8055 shall be considered, for the purposes of subsequent proceedings, as the European search report

		DOCUMENTS CONSIDERED TO BE RELEVANT				
	Category	Citation of document with of relevant pas	indication, where appropria	ate,	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.CI.7)
AO	Y	NAMBA H ET AL: "By therapy of experime genetically engined HUMAN GENE THERAPY 1998, vol. 9, no. 1, 1 January 1998 (1998) XP009011552 ISSN: 1043-0342 * the whole document	ental brain tumo ered tumor cells . UNITED STATES	r by 1 JAN	1-32	A61K48/00 A61K31/70 //(A61K31/70, 35:12,35:28, 35:30,38:02, 38:16,38:19, 38:22,38:43, 39:395)
AK	Y	HANENBERG H ET AL: RETROVIRUS AND TARC FIBRONECTIN FRAGMEN TRANSDUCTION OF MAN NATURE MEDICINE, NA US, vol. 2, no. 5, Augu pages 876-882, XPOC ISSN: 1078-8956	NTS INCREASES GE MMALIAN CELLS" ATURE PUBLISHING 1st 1996 (1996-08 02928787	CIFIC NETIC , CO,	1-32	
		* the whole documer	ıt *			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			-/-	· 		A61K C12N
f	The supplementary search report has been based on the last set of claims valid and available at the start of the search.					
	INCOMPLETE SEARCH					
Ī	The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot					
		out, or can only be carried out partla arched completely:	illy, for the following claims:			•
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	Claims sea	arched incompletely :				
	Claims no	t searched:				
	Reason fo	r the limitation of the search:				
	see	sheet C				
						·, }
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<u>2</u> 0)		Place of search	Date of completion			Examiner
(P04C		MUNICH	28 May 20		·	er, A
EPO FORM 1503 03.82 (P04C20)	CATEGORY OF CITED DOCUMENTS X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category A: technological background		E:e at hther D:d L:de	T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons		
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European Pat nt Offic

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Application Number

EP 00 90 8055

	DOCUMENTS CONSIDERED TO BE RELEVANT		CLASSIFICATION OF THE APPLICATION (Int.CI.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
) T	HARRINGTON KEVIN ET AL: "Cells as vehicles for cancer gene therapy: the missing link between targeted vectors and systemic delivery?" HUMAN GENE THERAPY. UNITED STATES 20 JUL 2002, vol. 13, no. 11, 20 July 2002 (2002-07-20), pages		
	1263-1280, XP002242755 ISSN: 1043-0342		
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			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
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